



State of Ohio  
 State Employment Relations Board  
 65 East State Street, 12<sup>th</sup> Floor  
 Columbus, Ohio 43215-4213  
 (614) 644-8573  
 ULP@SERB.ohio.gov

Case No. \_\_\_\_\_

## UNFAIR LABOR PRACTICE CHARGE

**INSTRUCTIONS:** File *one original and one copy* of this form with the State Employment Relations Board at the above address. Serve *one copy* on the party against whom the charge is brought. See Ohio Administrative Code Rule 4117-1-02. If more space is required for any item, attach additional sheets; please number the items accordingly.

**NOTE:** If you wish to file unfair labor practice charges against both the employer and the union, then **separate** Unfair Labor Practice Charge forms must be filled out. For the form(s) to be filed against the union, fill out all sections of this form. For the form(s) to be filed against the employer, fill out all sections except section four, which is used to identify the employer for charges filed against the union or its representative(s).

**1. Party Filing Charge: (Check One)**

Employee Organization/Union     Employee     Employer     Other \_\_\_\_\_

Name:

Fraternal Order of Police (FOP), Lodge #69

Address: 1900 Central Parkway	Telephone: work (      ) home (      )
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City, County, State, Zip: Cincinnati, Hamilton County, Ohio 45214	E-mail:
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**2. Name of Person Representing the Party Filing Charge:**

(Representative must file a Notice of Appearance form.)

Steve Lazarus (Lazarus & Lewis, LLC)

Address: 30 Garfield Place, Suite 915	Telephone: (513)721-7300
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City, State, Zip: Cincinnati, Ohio 45202	E-mail: stevelazarus@hllmlaw.com
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**3. Party Against Whom This Charge is Brought: (Check Only One)**

<input type="checkbox"/> Employee Organization/Union	<input checked="" type="checkbox"/> Employer	<input type="checkbox"/> Other _____
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Name:

City of Cincinnati

Address: 801 Plum Street	Telephone: (      )
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City, County, State, Zip: Cincinnati, Hamilton County, Ohio 45202	E-mail:
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**4. Employer: (If different from item 1 or 3)**

Address:	Telephone: (      )
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City, County, State, Zip:	E-mail:
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**5. Basis of Charge:** Check all the boxes that apply. (See item #5 on the instructions for a link to the information needed to complete this section).

Charges against employers: (A)(1)  (A)(2)  (A)(3)  (A)(4)  (A)(5)  (A)(6)  (A)(7)  (A)(8)

Charges against unions: (B)(1)  (B)(2)  (B)(3)  (B)(4)  (B)(5)  (B)(6)  (B)(7)  (B)(8)

Jurisdictional Work Dispute O.R.C. 4117.11(D)

Unfair Labor Practice Charge (ERB 1005 - 2/21)

**6. Statement of Facts:** Provide a detailed statement of the facts explaining the alleged violation(s). Include who, what, where, when, how, and all dates. If you need more space, you may attach a separate sheet containing the Statement of Facts.

See Attachment A

A failure to provide the above information could result in the charge being dismissed for failure to provide a clear and concise statement.

**DECLARATION**

I declare that I have read the contents of this Unfair Labor Practice Charge and that the statements it contains are true and correct to the best of my knowledge and belief.



To distinguish originals, please do not use black ink for signatures.

Signature of Person Confirming the Content of Form

July 15, 2021

Date

Dan Hils, President of FOP Lodge #69

Print or Type Name

THIS UNFAIR LABOR PRACTICE CHARGE WILL NOT BE ACCEPTED FOR FILING UNLESS THE PROOF OF SERVICE IS FULLY COMPLETED AND BEARS AN ORIGINAL SIGNATURE OF A REPRESENTATIVE OF THE PARTY FILING THE CHARGE.

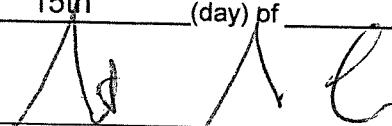
**PROOF OF SERVICE**

I certify that an exact copy of the foregoing Unfair Labor Practice Charge has been sent or delivered to:  
City Manager, Paula Boggs Muething at 801 Plum St #152, Cincinnati, OH 45202

(Name and complete address of party against whom this charge is brought)

By  Regular U.S. Mail  Certified U.S. Mail  Hand Delivery  Other \_\_\_\_\_

this 15th (day) of July (month), 2021 (year).



Signature of Person Confirming Service of Form

Stephen S. Lazarus, Esq.

Print or Type Name

**ATTACHMENT A**

**(6) STATEMENT OF FACTS:**

On or about July 13, 2021, Cincinnati Citizen Complaint Authority (“CCA”) investigators committed several unfair labor practices while conducting *Garrity* interviews of FOP members on the Employer's behalf about alleged misconduct, as follows:

[1] Investigators attempted to prevent an FOP representative from attending an interview, thereby interfering with member rights contrary to (A)(1);

[2] An investigator threatened and otherwise tried to cause a member to remove her designated representative from an interview, which interfered with the administration of FOP representation, contrary to (A)(2);

[3] Investigators prevented the FOP from recording interviews, and failed to provide the Employer recording of member interviews to the FOP, which interfered with member rights and FOP representation contrary to (A)(1)-(A)(2);

[4] The Employer changed a mandatory subject of bargaining by refusing to provide copies of the Employer's recording to the FOP, without bargaining contrary to (A)(5);

[5] Upon reasonable belief, the Employer will change a mandatory subject of bargaining without bargaining, by requiring members to leave service weapons in CCA storage while at the CCA office, contrary to (A)(5).